
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

UNITED STATES OF AMERICA,

Plaintiff,

v.

DUSTIN LYN KAY,

Defendant.

**MEMORANDUM DECISION AND
ORDER DENYING MOTION FOR
TEMPORARY FURLOUGH**

Case No. 2:21-cr-00006-DN

District Judge David Nuffer

Defendant seeks a temporary furlough on Saturday May 22, 2021, from 10:00 a.m. until 4:30 p.m., to attend a “Celebration of Life” for his mother, Joan Connell, who passed away on April 6, 2021.¹ The government opposes Defendant’s Motion.²

Defendant has not cited any legal authority for the relief he seeks. Defendant also provides no legal justification or analysis to support the relief he seeks. Additionally, less than one month ago, Magistrate Judge Jared C. Bennett ordered Defendant detained.³ Judge Bennett’s Detention Order concluded that Defendant failed to meet his burden of establishing that he posed a manageable risk if released.⁴ Specifically, Judge Bennett found, among other things, that Defendant:

- has a criminal record which indicates a propensity to violate the law and court orders;
- has violated the conditions of release previously imposed by the court;

¹ Motion for Temporary Furlough (“Motion”), [docket no. 16](#), filed May 10, 2021.

² Opposition to Defendant’s Motion for Furlough, [docket no. 19](#), filed May 14, 2021.

³ Detention Order, [docket no. 10](#), filed Apr. 22, 2021.

⁴ *Id.*

- is addicted or abuses mood-altering chemicals and is likely to continue such conduct and violate the law if released;
- has failed to appear for court proceedings in the past; and
- committed the alleged crime while on supervision.⁵

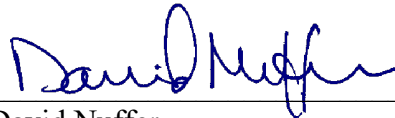
The passing of Defendant's mother is undoubtedly a profoundly sad event for Defendant. However, Defendant has offered nothing to suggest that he would pose a manageable risk of non-appearance and danger to the community if granted a temporary furlough.

ORDER

THEREFORE, IT IS HEREBY ORDERED that Defendant's Motion⁶ is DENIED.

Signed May 21, 2021.

BY THE COURT

A handwritten signature in blue ink, appearing to read "David Nuffer", is written over a horizontal line.

David Nuffer
United States District Judge

⁵ *Id.*

⁶ [Docket no. 16](#), filed May 10, 2021.